

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erica Jung	Team: Squad #01	CCRB Case #: 202104459	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/28/2021 10:18 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 1/28/2023	Precinct: 01		
Date/Time CV Reported Wed, 07/28/2021 3:24 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 07/28/2021 3:24 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Luigi Tirro	05819	964803	001 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Castro	01441	964430	001 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Luigi Tirro	Discourtesy: Police Officer Luigi Tirro spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B . POM Luigi Tirro	Off. Language: Police Officer Luigi Tirro made remarks to § 87(2)(b) based upon ethnicity.	§ 87(2)(b)
C . POM Luigi Tirro	Abuse: Police Officer Luigi Tirro failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

Case Summary

On July 28, 2021, § 87(2)(b) filed this complaint with the CCRB via the on-line website.

On July 28, 2021, at around 10:18am, § 87(2)(b) was in a dispute with a worker at his business on § 87(2)(b) in Manhattan. When PO Luigi Tirro, assigned to the 1st Precinct, arrived at the scene, he told § 87(2)(b) to “go back to your fucking country” (**Allegation A: Discourtesy – § 87(2)(g)**) (**Allegation B: Offensive Language – § 87(2)(g)**). Another worker at the scene, § 87(2)(b) asked PO Tirro for a business card and PO Tirro refused to provide one (**Allegation C: Abuse of Authority – § 87(2)(g)**).

There was no BWC footage that captured this incident as PO Tirro and PO Daniel Castro, assigned to the 1st Precinct, responded to a past crime and past crimes are not mandatory recording events (Board Review 01). The investigation obtained personal cell phone recordings from § 87(2)(b) (Board Review 02-03).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Luigi Tirro spoke discourteously to § 87(2)(b).

Allegation (B) Offensive Language: Police Officer Luigi Tirro made remarks to § 87(2)(b) based upon ethnicity.

§ 87(2)(b) stated that a worker he had hired to do construction work complained to the police that § 87(2)(b) refused to pay him and give him his tools back. PO Tirro and PO Castro arrived outside of § 87(2)(b) business on § 87(2)(b) and asked § 87(2)(b) why he refused to pay the worker. § 87(2)(b) asked the officers if they knew what was going on as he already placed the tools for the worker outside his store, and the worker retrieved the tools in front of PO Tirro and PO Castro. As both officers started walking away, PO Tirro twice said to § 87(2)(b) “go back to your fucking country”. § 87(2)(b) business partner, § 87(2)(b) and § 87(2)(b) were both at the scene when PO Tirro made this statement (Board Review 04).

§ 87(2)(b) provided a statement that was largely consistent with § 87(2)(b) statement. PO Tirro told § 87(2)(b) that he should go back to his country and walked away (Board Review 05). § 87(2)(b) cell phone recordings capture him stating the names and badge numbers of PO Castro and PO Tirro, however, they do not capture PO Tirro telling § 87(2)(b) that he should go back to his country (Board Review 02-03).

§ 87(2)(b) also provided a statement that was largely consistent with § 87(2)(b) statement. PO Tirro said to § 87(2)(b) “you don’t belong here,” and “this is not your country. Go back to your country” (Board Review 06).

PO Tirro stated that when he and PO Castro arrived at § 87(2)(b) business, § 87(2)(b) walked up to them and immediately started yelling and cursing at them. § 87(2)(b) kept referring to PO Tirro and PO Castro as “fucking assholes,” and stated that they were taking the worker’s side. PO Tirro then said, “go back to your country,” to § 87(2)(b) because he wanted to convey to § 87(2)(b) that if he had treated police officers in his home country the way he treated two police officers in uniform in New York City, he would not have received the same courtesy. However, PO Tirro did not explain his reasoning behind this statement to § 87(2)(b) nor did he elaborate on it at the time of the incident. PO Tirro did not have any other reason for making this statement and did not use any profanity during this incident (Board Review 07).

PO Castro stated that § 87(2)(b) was hostile towards the officers as he screamed and cursed at them. § 87(2)(b) stated that the officers were taking the worker's side, to which PO Castro and PO Tirro told him that they were not there to take sides. § 87(2)(b) continued to be hostile towards the officers, and PO Tirro responded by saying, "go back to your country." PO Tirro did not elaborate on this statement or explain the reasoning behind it to § 87(2)(b) (Board Review 08).

Administrative Guide Procedure 304-06 states that officers are prohibited from using discourteous or disrespectful remarks regarding another person's ethnicity (Board Review 09). Patrol Guide 200-02 states that officers pledge to render their services with courtesy and civility (Board Review 10).

§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Luigi Tirro failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) stated that as PO Tirro walked away from the scene toward his vehicle, § 87(2)(b) asked PO Tirro for a business card. PO Tirro did not provide § 87(2)(b) with a business card, so § 87(2)(b) asked for his badge number. PO Tirro pointed to his badge number on his uniform and told him to write down his badge number (Board Review 04).

§ 87(2)(b) stated that he asked PO Tirro and PO Castro for their names and badge numbers, which the officers provided. § 87(2)(b) did not recall there being a conversation about a business card (Board Review 05).

§ 87(2)(b) stated that he and the other workers at the scene asked for the officers' information, which the officers provided to one of his co-workers. § 87(2)(b) did not recall if there was a conversation about a business card (Board Review 06).

§ 87(2)(b) personal cell phone recordings show him asking PO Tirro if he can take down his name and badge number. PO Tirro says, "go ahead," and § 87(2)(b) says, "5819 Tirro." Neither of the recordings, however, capture § 87(2)(b) asking either of the officers for a business card (Board Review 02-03).

PO Tirro stated that he did not provide a business card to anyone at the scene because no one asked him to provide one. PO Tirro is required to provide a business card when someone asks for one and when he conducts a stop, but he did not conduct any stops during this incident (Board Review 07).

PO Castro stated that nobody at the scene asked him or PO Tirro for a business card. Neither PO Castro nor PO Tirro provided a business card to anyone. There was no conversation about a business card at the incident (Board Review 08).

As § 87(2)(b) did not allege that PO Tirro refused to provide his business card and no other evidence corroborated the refusal, § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (Board Review 12).
- PO Tirro has been a member of service for four years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil, and Criminal Histories

- Mediation was not accepting cases therefore it was not offered as an option.
- As of February 4, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 13).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: 1

Investigator:	<u>Erica Jung</u>	<u>Inv. Jung</u>	<u>4/20/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>		<u>4.20.22</u>
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date